

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NO 7320/WO/PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/ 08356	International filing date (day/month/year) 29/07/2003	(Earliest) Priority Date (day/month/year) 07/08/2002
Applicant NESTEC S.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. **Certain claims were found unsearchable** (See Box I).

3. **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

None of the figures.

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L1/164

A21D 16

A23L1/30

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A21D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, FSTA, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	LAURITZEN D: "Food enrichment with marine omega-3 fatty acids." INTERNATIONAL FOOD INGREDIENTS 1994, no. 1/2, 1994, pages 41-44, XP008012422 the whole document	1-11,14, 15
Y	-----	12,13
Y	PATENT ABSTRACTS OF JAPAN vol. 1997, no. 02, 28 February 1997 (1997-02-28) & JP 08 275728 A (NEW AQUA GIJUTSU KENKYUSHO:KK;NIPPON KAGAKU SHIRYO KK), 22 October 1996 (1996-10-22) abstract	1-11,14, 15
Y	----- -/-	12,13

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
17 November 2003	09/12/2003
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Vuillamy, V

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2002/0102330 A1 (MANNING PAUL B ET AL) 1 August 2002 (2002-08-01) page 8, left-hand column, paragraph 2 page 9, left-hand column, paragraph 1 - paragraph '0002! page 10, right-hand column, paragraph 4 page 11, left-hand column, paragraph 6 example claim 37 -----	12,13
A	WO 01 84961 A (HAGEMAN ROBERT JOHAN JOSEPH ;NUTRICIA NV (NL); KILIAAN AMANDA JOHA) 15 November 2001 (2001-11-15) examples 2-5 -----	1
A	DATABASE FSTA 'Online! INTERNATIONAL FOOD INFORMATION SERVICE (IFIS), FRANKFURT-MAIN, DE; 2000, KOLANOWSKI W ET AL: "New food product containing polyunsaturated fatty acids omega -3 EPA, DHA - sensory quality and possibility of diet supplementation." XP002261492 Database accession no. 2000-00-g0336 abstract & ROCZNIKI PANSTWOWEGO ZAKLADU HIGIENY, vol. 50, no. 4, 1999, pages 427-434, KATEDRA SUROWCOW ZYWNOSCIOWYCH I TOWAROZNAWSTWA, WYDZIAŁ ZYWIENIA CZŁOWIEKA ORAZ GOSPODARSTWA DOMOWEGO, SZKOŁA GŁÓWNA GOSPODARSTWA WIEJSKIEGO, UL. NOWOURSZYSKOWSKA 166, 02-787 WARSAW, POLAND -----	1
A	US 4 451 488 A (COOK MILTON L ET AL) 29 May 1984 (1984-05-29) column 2, line 50 - line 52 examples I,II -----	1,12
A	PATENT ABSTRACTS OF JAPAN vol. 2000, no. 11, 3 January 2001 (2001-01-03) & JP 2000 217512 A (BERURICCHI:KK;SUGOU:KK), 8 August 2000 (2000-08-08) abstract -----	1
A	PATENT ABSTRACTS OF JAPAN vol. 008, no. 205 (C-243), 19 September 1984 (1984-09-19) & JP 59 095860 A (SHINOZAKI KOURIYOU KK), 2 June 1984 (1984-06-02) abstract -----	1

-/-

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 296 117 A (WARNER LAMBERT CO) 21 December 1988 (1988-12-21) cited in the application claims; examples -----	1
A	US 6 235 331 B1 (KATAOKA HISASHI ET AL) 22 May 2001 (2001-05-22) column 1, line 54 - column 4, line 3 column 6, line 31 - line 53 -----	1
A	WO 01 51088 A (CINCOTTA ANTHONY) 19 July 2001 (2001-07-19) example 1 -----	1

INTERNATIONAL SEARCH REPORT

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 14 and 15 are directed to a method of treatment of the human body, the search has been carried out and based on the alleged effects of the composition.
2. Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
JP 08275728	A	22-10-1996	NONE			
US 2002102330	A1	01-08-2002	US	2002150607 A1		17-10-2002
			US	2002192265 A1		19-12-2002
			US	2003108594 A1		12-06-2003
WO 0184961	A	15-11-2001	AU	5511401 A		20-11-2001
			CA	2408032 A1		15-11-2001
			CN	1440240 T		03-09-2003
			EP	1282365 A2		12-02-2003
			WO	0184961 A2		15-11-2001
			US	2002040058 A1		04-04-2002
US 4451488	A	29-05-1984	NONE			
JP 2000217512	A	08-08-2000	JP	3443767 B2		08-09-2003
JP 59095860	A	02-06-1984	JP	1295920 C		26-12-1985
			JP	60018382 B		10-05-1985
EP 0296117	A	21-12-1988	US	4853247 A		01-08-1989
			AU	598382 B2		21-06-1990
			AU	1748588 A		22-12-1988
			DK	326088 A		17-12-1988
			EP	0296117 A2		21-12-1988
			FI	882804 A		17-12-1988
			JP	1023851 A		26-01-1989
			NO	882631 A		19-12-1988
			NZ	224681 A		28-08-1990
			PH	24795 A		30-10-1990
			PT	87726 A ,B		01-07-1988
			ZA	8803656 A		02-12-1988
US 6235331	B1	22-05-2001	NONE			
WO 0151088	A	19-07-2001	WO	0151088 A1		19-07-2001
			US	2002146400 A1		10-10-2002